



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 16, 2009
AGENDA DATE: September 23, 2009
PROJECT ADDRESS: 714 & 716 North Voluntario Street (MST2009-00169)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Suzanne Riegle, Assistant Planner *SR*

I. PROJECT DESCRIPTION

The project consists of the conversion of two existing single family dwellings to two (2) condominiums on a 9,322 s.f. lot. The addresses are 714 and 716 North Voluntario Street. The residence at 714 N. Voluntario Street is two-story, two-bedroom, 1,255 square foot residence with an attached one-car garage and one uncovered parking space. The residence at 716 N. Voluntario Street is two-story, five-bedroom 2,131 square foot residence with an attached two car garage located at the rear of the lot. The open yard is currently met in area between the two units which meets and exceeds the 1,250 square foot requirement.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC 27.07 and 27.13); and
2. A Condominium Conversion Permit to convert two (2) existing residential units to two (2) condominium units (SBMC 28.88).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VIII. of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE: August 5, 2009
DATE ACTION REQUIRED PER MAP ACT: September 24, 2009

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Alex Pujo, Architect	Property Owner: Alfred & Frank Kelly
Parcel Number: 031-131-020	Lot Area: 9,322 square feet/0.21 acres
General Plan: Residential 12 units/acre	Zoning: R-2
Existing Use: Residential	Topography: 4% flat
Adjacent Land Uses: Multi-family Residential in all directions	

B. PROJECT STATISTICS

	714 N. Voluntario Street	716 N. Voluntario Street
Living Area	1,255 sq. ft.	2,131 sq. ft.
Garage	270 sq. ft.	505 sq. ft.
Storage space	1,888 cubic feet	288 cubic feet

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	714 N. Voluntario Street	716 N. Voluntario Street
Setbacks			
-Front	10 feet	15 feet	n/a
-Interior	6 feet	3 feet	6 feet
-Rear	6 feet first floor 10 feet second floor	n/a	6 feet
Building Height	30' max. height	20' 3"	23'
Parking	1-1/2 space/unit	1 car garage/ 1 uncovered	2 car garage
Private Storage Space	200 cu. ft./unit	> 200 cu. ft / unit	> 200 cu. ft / unit
Lot Coverage			
-Building	N/A	2,998	32.2%
-Paving/Driveway	N/A	2,276	24.4%
-Landscaping	N/A	4,048	43.4%
Outdoor Living Space (R-2 Zone)	1,250 s.f.	1,250 s.f.	

Additional Open Yard Requirements for Condominium Conversions as required by 28.88.040(L) to meet open yard as defined in defined under SBMC 28.21.081 using either Method A or B.

"Method A" Private Outdoor Living Space Method (28.21.081.A)			
10% Open Space	932 sf	949 sf	
Common Area	15' x 15'	15' x 15'	
POLS			
- Ground	120 sf (2bd) 160 sf (3bd)	2 bedroom unit 287 sf (ground)	5 bedroom unit 563 sf (ground)
Or	Or	And	And
- 2 nd floor or above	84 sf (2bd)	102 sf (2 nd floor)	67 sf (2 nd floor)

	96 sf (3bd)		143 sf (roof deck)
Method B" Common Open Area (28.21.081.B):			
15% Open Space	1,398 sq. ft. One area must be 20' x 20'	1,447 sq. ft. One area meets 20' x 20' req.	

The proposed project would meet the requirements of the R-2 Zone. The outdoor living space provided is consistent with SBMC Section 28.21.081. The residential development would be subject to the density requirements of the R-2 Multiple Family Residential Zones, which allow 12 dwelling units to the acre. The proposed projects would result in a density of approximately 10 units per acre, which is consistent with the Land Use and Housing Elements of the General Plan.

VI. PROJECT HISTORY

The property was developed with a single family residence above a basement storage area and one-car garage prior to 1936. In 2004, a single-family residential unit with an attached two-car garage was built at the rear of the property.

VII. ISSUES

A. GENERAL PLAN

Before an application for condominium conversion can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed subdivision is consistent with the plans and policies of the City of Santa Barbara.

Land Use and Housing Elements

The project site is located in an area recognized by the Land Use Element of the General Plan as the Eastside. The Eastside is bounded on the north by Canon Perdido Street; on the south by Highway 101; on the east by the base of the Riviera; and on the west by the rear of the commercial strip along the east side of Milpas Street.

Throughout most of the Eastside, the General Plan calls for a density of twelve dwelling units to the acre. This is an area of modest homes with a scattering of duplex and apartment development. Although most of the area above approximately Carpinteria Street is zoned R-2, only marginal duplex development has taken place. The subject site is in area which allows for twelve dwelling units to the acre under the General plan, however, in order to insure a lower density for future development, the area is zoned R-2.

Neighborhood Compatibility

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the existing buildings are compatible in scale, size and design with the surrounding neighborhood. The surrounding

neighborhood is comprised of a mix of residential uses and architectural styles. The project is proposing no changes to the site. The two residences have their own identity as they are single family residences.

B. PHYSICAL STANDARDS FOR CONDOMINIUM CONVERSIONS

The project meets all of the minimum physical standards for condominium conversions as outlined in SBMC§ 28.88.040. The minimum physical standards include: separate utility meters, 200 cubic feet of private storage space per unit, provide two covered parking spaces per unit, separate laundry facilities, and adequate useable open space. The residences are currently occupied and a five-year rental history was provided. A physical elements report and pest control report was provided and it was determined that the units and respective appliances have a useful life of longer than 5 years.

Open Space Requirements:

The project site is located in the R-2 zone which requires a minimum open yard of 1,250 square feet. The 1,250 square feet can be broken up into three areas with no area measuring smaller than 20 feet by 20 feet. The open yard in this case exceeds the minimum standards required of the R-2 zone and is located in one area between the two residences. In addition, the application for a condominium conversion must the requirements as specified in 28.21.081. The applicant has chosen to demonstrate that the project meets and exceeds the requirements using either Method A or B on page SD-1 of the plan set. Method A includes 10% (932 square feet) of the lot area that is located outside of the required setbacks, a common open area measuring a minimum of 15 feet by 15 feet, and Private Outdoor Living space based on the bedroom count and location. Method B requires an open area of a minimum of 15% (1,398 s.f.) of the lot area that is located outside of the required front setback and must have at least one area that measures 20 feet by 20 feet.

C. INCLUSIONARY HOUSING ORDINANCE

On May 12, 2009 the City's Inclusionary Housing Ordinance (IHO) was revised to apply to residential subdivision projects of 2 through 9 units. Prior to this revision, the IHO only applied to projects of 10 or more units. The new requirements apply to all ownership housing projects and lot subdivisions of 2 – 9 units or lots that receive approval from the Staff hearing Officer or Planning Commission after May 12, 2009. Condominium conversion projects are subject to the IHO but apartment projects (where the units may not be sold separately) are not.

All residential subdivision projects of 2 through 9 units or lots (including condominium conversion projects) must pay an inclusionary housing fee. Unlike the inclusionary requirements for projects of 10 or more units, there is no requirement that these smaller projects provide an affordable unit, and there is no entitlement to a density bonus if an affordable unit is included by choice as an alternative to paying the inclusionary housing fee.

The inclusionary housing fee for smaller projects is currently \$18,000 per unit or lot. This is equal to 5% of the "in-lieu fee" specified in the IHO. An inclusionary housing fee of \$36,000 must be paid prior to the issuance of a building permit. This fee amount will be in effect until it is recalculated in March, 2010. The IHO does provide for some exemptions allowing for

reduced calculations of fees but the exemption applies to new construction only and not the condominium conversion process.

D. ENVIRONMENTAL REVIEW

Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301, Existing Facilities, for the division of existing multiple-family residences into common interest ownership.

VIII. FINDINGS

The Staff Hearing Officer finds the following:

A. THE TENTATIVE MAP (SBMC §27.07.100)

The proposal is two convert two existing single-family residential units into condominiums; therefore, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the provisions of the Municipal Code and the General Plan and the proposed use is consistent with the vision for this neighborhood of the General Plan as shown in Sections V and VI.C. of the staff report. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems because the improvements already exist. The project does not include any changes to the exteriors of either building. The project includes a seismic retrofit of the basement at 714 North Voluntario Street as a part of the conversion permit.

B. CONDOMINIUM CONVERSION (SBMC §28.88.120)

1. All provisions of the Condominium Conversion Ordinance are met and the project will not be detrimental to the health, safety, and general welfare of the community as indicated in the Zoning Consistency chart in Section V and VII.B. above.
2. The proposed conversion is consistent with the General Plan of the City of Santa Barbara and with the density requirement of its Land Use Element as discussed in Section VII.B., above.
3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance because no modifications are requested and it meets the requirements of the R-2 Zone. No alterations are proposed with this application
4. The overall design (including project amenities) and physical condition of the conversion will result in a project that is aesthetically attractive, safe, and of quality construction.

5. The unit at 716 North Voluntario is owner occupied and the rental unit at 714 North Voluntario has not been rented at affordable rates; therefore, there is not an impact to the loss of affordable rental units from the housing stock.
6. The Applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.
7. The unit at 714 North Voluntario Street is tenant occupied and has been notified about the condominium conversion proposal and informed the tenant of their rights pursuant to SBMC §28.88.
8. The project is exempt from the provisions of Section 28.88.130 because the project consists of fewer than five units.

Exhibits:

- A. Conditions of Approval
- B. Site Plan and Tentative Subdivision Map (under separate cover)
- C. Applicant's letter, dated March 2, 2009

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

714 & 716 N VOLUNTARIO ST

TENTATIVE SUBDIVISION MAP, CONDOMINIUM CONVERSION PERMIT, OTHER APPLICATION(S)

SEPTEMBER 23, 2009

- I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Notice of Approval of Condominium Conversion.** Owner shall provide evidence of delivery of written notice of the condominium conversion approval to the Community Development Department within 15 days of the approval of said conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on **TBD** is limited to the conversion of two existing single-family residences to two residential condominium units and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement. The following tree protection measures shall be included:
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or

storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
7. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.

- C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 2. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project concurrently with Parcel Map submittal.
 3. **Voluntario Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Voluntario Street. As determined by the Public Works Department, the improvements shall include the following: *saw-cut and replace all cracked and/or uplifted sidewalk, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of curb drain outlets, preserve and/or reset existing survey monument (Nail and Tag) located in sidewalk at the northerly corner of property, and contractor stamps (if any), trim tree and shrubs from private property frontage encroaching into the public rights-of-way, supply and install one new street tree and tree grates if required by the City Arborist and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.
 4. **Encroachment Permits.** Apply for an encroachment from the City Public Works Department for the existing stone wall and stone steps encroaching into the public rights-of-way.
 5. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.
- D. **Public Works Requirements Prior to Building/Condominium Conversion Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building/Condominium Conversion Permit for the project.
1. **Submittal for Recordation of Parcel Map and Agreements.** Owner shall submit application for approval and recordation of the Parcel Map to the Public Works Department.

2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works Permit shall be issued concurrently with a Building Permit.
- E. **Community Development Requirements with Building/Condominium Conversion Permit or Public Works Permit Application.** The following shall be submitted with the application for any Building/Condominium Conversion Permit or Public Works Permit and finalized prior to issuance of any Building/Condominium Conversion or Public Works Permit:
1. **Notice of Vacation of Unit.** Each non-purchasing tenant that is not in default shall have not less than 180 days from the date of approval of the conversion to find substitute housing and relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100. E of the Municipal Code.
 2. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 3. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.
- F. **Building/Condominium Conversion Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building/Condominium Conversion Permits:
1. **Physical Elements Report.** All elements in the Physical Elements Report that have five or fewer years of life remaining shall be repaired or replaced and shown on the plans.
 2. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____ Property Owner		_____ Date
_____ Contractor	_____ Date	_____ License No.
_____ Architect	_____ Date	_____ License No.
_____ Engineer	_____ Date	_____ License No.

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31 st
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work

includes, the reason for the work, the duration of the proposed work and a contact number.

3. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
5. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval, as follows.
 - a. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
6. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
7. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
8. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City

Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

H. **Prior to Certificate of Occupancy for the Condominium Conversion Permit.** Prior to issuance of the Certificate of Occupancy for the Condominium Conversion Permit, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
3. **Physical Elements Report Completion.** All elements in the Physical Elements Report that have five or fewer years of life remaining shall be repaired or replaced.
4. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) in the front yard setback and in the public rights-of-way have been properly pruned and trimmed.
5. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section E have been recorded.
6. **Parcel Map Approved.** The Parcel Map shall be approved by City Council.
7. **Exclusive Right to Purchase (Right of First Refusal).** Owner shall provide evidence of the extension to each tenant household of an exclusive right to

purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.

8. **Tenant Displacement Assistance.** Evidence shall be provided that, in the place of the moving expenses specified in SBMC Subsection 28.88.100.g, Owner has provided each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89.
- I. **After Certificate of Occupancy:** The following conditions shall be completed after issuance of the Certificate of Occupancy for the Condominium Conversion Permit has been completed.
 1. **Parcel Map Recordation.** The Parcel Map shall not be recorded until the Certificate of Occupancy for the Condominium Conversion Permit has been issued, and has obtained Occupancy status. The following shall be provided prior to Map recordation.
 - a. **Notice of Department of Real Estate Report.** Owner shall submit evidence showing that written notification has been submitted to each tenant household that an application for a public report has been submitted to the California Department of Real Estate within 10 days of the submission of such application.
 - b. **Notice of Final/Parcel Map Approval.** Owner shall submit evidence that written notice of approval of the Final/Parcel Map has been provided to each tenant household within 10 days of such approval.
- J. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS
AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

The Staff Hearing Officer's action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.



PUJO & ASSOCIATES
ARCHITECTURE AND PLANNING

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March 2nd, 2009

Development Application Review Team (DART)
Community Development Department
630 Garden Street,
Santa Barbara, California 93101

Re: 714-716 North Voluntario Street, APN 031-131-020
Condominium Conversion.

Development Application Review Team members:

On behalf of Frank and Marilyn Kelly, owners of this property, Pujo & Associates requests condominium conversion of two existing, detached residences located on a 9,322 square foot lot in the R-2 zone in the Eastside.

The parcel is 56' wide by 165' deep, with a slope measured and calculated at 6.43%. It is situated in a residential neighborhood of one and two-story residences. The property to the North is a condominium association of seven units in four, two-story buildings. The properties to the East, South and West (across Voluntario Street) contain single family residences.

The front house (714 N. Voluntario) was constructed in the mid 1920's and consists of a main floor (979 sq. ft.) over a basement level housing a one-car garage and utility/storage space. It has two bedrooms and one bath. This house has a nice presence in the neighborhood with a comfortable porch overlooking the street and the ocean beyond. It has been well cared for: the electrical system was upgraded in 1992; the foundation retrofitted in 1995; the furnace replaced and a French drain installed in 2004.

The rear residence (716), built in 2003, has 2,222 sq. ft. of living space and a two-car garage (505 sq. ft.). Its layout replicates the original residence with a split level accessible through an elevated porch. The main spaces are upstairs, with ample balconies and a roof deck overlooking the mountains. Although not very large and largely hidden by topography and vegetation, this house has five bathrooms and three and a half baths. One of the bedrooms is designed as a home office space, and two of the other bedrooms could be merged into a single, larger one.

Each residence has separate utilities and meters; laundry facilities; ample storage spaces; appropriate open yards –both common and private- and adequate parking. All utilities are located underground. Pedestrian and vehicular gates, plus a trash enclosure covered with a trellis, were constructed as part of the 2003 project. The design of the rear house, site layout and landscape plan were reviewed and approved by the Architectural Board of Review (ABR) in 2003. An Archaeological letter report by Heather Macfarlane and a Soils Report by Coast Valley were prepared for that project.

The residences at 714 and 716 N. Voluntario have the amenities usually associated with small condominiums of this type, including abundant landscaping. No new work is proposed as part of this application. The requested conversion is consistent with current City policies to that effect. Please feel free to call me at 962-3578 if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Alexander Pujo'.

H. Alexander Pujo, Architect

c.: Frank & Marilyn Kelly